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KAI CHANDLER et al

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

KAI CHANDLER, et al.

Plaintiffs,

vs.

WELLS FARGO & COMPANY, a
Delaware corporation; WELLS FARGO
HOME MORTGAGE, INC., a
California corporation, WELLS
FARGO BANK, N.A., and DOES 1 –
10, inclusive,

Defendants.

Case No.: C11-3841 EMC
JUDGE EDWARD M. CHEN
COURTROOM: 5
COMPLAINT DATE: 08/04/11

**JOINT CASE MANAGEMENT
CONFERENCE STATEMENT**
ORDER RESETTING CMC

CMC Date: 10/26/2012
Time: 10:30 a.m.
Courtroom: 5
Judge: Hon. Edward M. Chen

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1 Defendant Wells Fargo and Plaintiffs in the *Chandler* action (Case C11-3841
2 EMC) hereby submit this joint Case Management Conference Statement.

3 **CASE STATUS**

4 The *Chandler* matter involves claims by individual plaintiffs who worked as
5 Home Mortgage Consultants for defendant Wells Fargo, and alleges unpaid
6 overtime wages pursuant to the Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.*
7 The plaintiffs in the *Chandler* matter were either involved in the prior MDL action
8 *In Re Wells Fargo Overtime Litigation* as class members prior to the class being
9 decertified as part of a settlement, or worked for Wells Fargo after the class period in
10 the prior action.

11 On December 6, 2011, this Court terminated the MDL action. (Docket # 18
12 (all docket entries refer to the *Chandler* matter unless otherwise indicated).) On
13 January 9, 2012, Plaintiffs filed a second administrative motion to determine
14 whether this case is related to other individual cases that were once associated with
15 the MDL, which Wells Fargo did not oppose. (Docket # 24 in *Aiello v. Wells Fargo*
16 *Bank NA*, case 3:10-cv-00744-EMC.) This Court ordered the *Chandler* case related
17 to the other individual cases on January 11, 2012. (Docket # 19.)

18 All parties have been served and have answered, and no trial date has been
19 set.

20 **SETTLEMENT DISCUSSIONS**

21 The parties have been working together cooperatively in an attempt to settle
22 the matter globally. The Court placed limitations on discovery to assist with
23 settlement discussions. (Docket # 20.) Since the last Case Management Conference,
24 the parties have continued to work together toward settlement.

25 The parties have already resolved the claims of six plaintiffs and are
26 continuing to work together cooperatively toward global settlement. The settlement
27 negotiation process has proceeded more slowly than the parties had hoped, in part
28 due to the complexity of coordinating some 52 individual plaintiffs. The parties

nevertheless continue to make progress.

After exchanging data for more than 50 plaintiffs concerning dates of employment and compensation, and after analysis of the data, on August 2, 2012, Plaintiffs made a global settlement demand to resolve the entire action. Wells Fargo made a counter-offer to globally resolve the matter on October 18, 2012. Plaintiffs have just received that demand and are in the process of evaluating it.

The parties request that the Court set a further Case Management Conference for 90 days out in order to give the parties sufficient time to complete their discussions and possibly resolve the entire action.

The filer attests that concurrence in the filing of the document has been obtained from each of the other signatories.

DATED: October 19, 2012

**CALLAHAN, THOMPSON, SHERMAN
& CAUDILL, LLP**

By /s/ Charles S. Russell
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DATED: October 19, 2012

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**WELL FARGO & COMPANY, WELLS
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WELLS FARGO BANK, N.A.**

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed electronically and notice of this filing will be sent by e-mail to all parties by operation of the court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the court's EM/ECF System.

October 19, 2012

/s/ Charles S. Russell

Charles S. Russell

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IT IS SO ORDERED that the Further CMC is reset from 10/26/12 to 1/17/13 at 10:30 a.m. An updated joint CMC Statement shall be filed by 1/10/13.

Edward M. Chen
United States District Court

